



# **National Crime Prevention and Privacy Compact Council**

## **BYLAWS**

*May 23, 2000*

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## **APPENDIX 1**

### **National Crime Prevention and Privacy Compact Act of 1998**

#### **1.0 ESTABLISHMENT OF THE COMPACT COUNCIL**

The Compact Council for the National Crime Prevention and Privacy Compact ("Compact Council") is created pursuant to the "National Crime Prevention and Privacy Compact Act of 1998" (Public Law 105-251, Title II, Subtitle A).

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#### **2.0 FBI COMPACT OFFICER**

The Director of the FBI shall appoint an FBI Compact officer who shall:

- (A) Administer the Compact within the Department of Justice and among Federal agencies and other agencies and organizations that submit search requests to the FBI.
- (B) Ensure that Compact provisions and rules, procedures, and standards prescribed by the Compact Council under Article VI of the National Crime Prevention and Privacy Compact are complied with by the Department of Justice and the Federal agencies and other agencies and organizations; and
- (C) Regulate the use of records received by means of the III system from Party States when such records are supplied by the FBI directly to other Federal agencies.

The FBI Compact officer shall facilitate the appointment of Compact Council members with the Attorney General and provide staff support to the Compact Council, its officers, and its subcommittees.

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#### **3.0 MEMBERSHIP OF THE COMPACT COUNCIL**

The Compact Council shall be composed of 15 members, each of whom shall be appointed by the Attorney General, as follows:

- (A) Nine members, each of whom shall serve a two-year term, who shall be selected from among the Compact officers of Party States based on the recommendation of the Compact officers of all Party States, except that, in the absence of the requisite number of Compact officers available to serve, the chief administrators of the criminal history record repositories of Nonparty States shall be eligible to serve on an interim basis.
- (B) Two at-large members, nominated by the Director of the FBI, each of whom shall serve a three-year term, of whom:
  - (1) One shall be a representative of the criminal justice agencies of the Federal Government and may not be an employee of the FBI; and
  - (2) One shall be a representative of the noncriminal justice agencies of the Federal Government.
- (C) Two at-large members, nominated by the Chairman of the Compact Council ("Chairman"), once the Chairman is elected, each of whom shall serve a three-year term, of whom:

- (1) One shall be a representative of State or local criminal justice agencies; and
  - (2) One shall be a representative of State or local noncriminal justice agencies.
  - (D) One member, who shall serve a three-year term, and who shall simultaneously be a member of the FBI's advisory policy board on criminal justice information services, nominated by the membership of that policy board.
  - (E) One member, nominated by the Director of the FBI, who shall serve a three-year term, and who shall be an employee of the FBI.
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## **4.0 TERM OF MEMBERS**

Except for the initial appointments made under Section 3.0 (C) above, each term shall begin on October 1st. All terms shall end on September 30th at the end of one, two, or three years as necessary to fulfill the requisite term.

The term of the initial appointments made under 3.0 (C) shall begin on the date of appointment and end on September 30, 2002. The term of chief administrators of criminal history record repositories of Nonparty States appointed on an interim basis shall end one year after the effective date of their appointment.

In the case of a vacancy that occurs before the end of a term, such vacancy shall be filled as specified in Section 6. There shall be no limit on the number of times a Council member may be reappointed, provided that he/she shall have been renominated as specified in Section 3.0 of these Bylaws, before each reappointment.

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## **5.0 END-OF-TERM APPOINTMENT PROCESS**

Prior to the end of a Compact Council member's term, the nomination process described in Section 3 and in this Section shall be followed to obtain an appointment for the next term. By August 1st, the Attorney General shall be given nominations for the new term.

### ***5.1 Members Recommended by Compact Officers of all Party States***

If there are nine or fewer Party States, the Chairman shall ask each state Compact officer whether he/she wants to be nominated to serve on the Compact Council. If this solicitation results in fewer than nine candidates, the Chairman shall ask the state Compact officers for nominations of chief administrators of the criminal history record repositories of Nonparty States and have the state Compact officers vote on the nominees to select a sufficient number.

If there are more than nine Party States, the Chairman shall ask each state Compact officer whether he/she wants to be nominated to serve on the Compact Council. If this solicitation results in fewer than nine candidates, the Chairman shall follow the procedure described in the preceding paragraph. If this solicitation results in more than nine candidates, the Chairman shall conduct an election during the month of July with each Compact officer voting for nine candidates. In the case of an election that does not conclusively identify nine nominees, the Chairman shall conduct a run-off election as necessary to resolve a tie(s). The Chairman shall nominate the nine Compact officers receiving the highest number of votes. The Chairman shall forward these nominations to the Attorney General by August 1st.

The Chairman shall retain a list of the number of votes received by the remaining candidates, identified as alternates, for use in filling vacancies. This list shall be valid until the next election.

### *5.2 Members Nominated by the Director of the FBI*

In those years when necessary, the Director of the FBI shall submit a nominee(s) to the Attorney General by August 1st.

### *5.3 Members Nominated by the Chairman of the Compact Council*

Before making these nominations, the Chairman shall request recommendations for these nominations from all members of the Compact Council and the Compact officers of other Party States. The Chairman shall consider, but not necessarily nominate from the recommended individuals. The Chairman shall select two nominees and two alternates. The alternates shall be used to fill a vacancy that might occur, as specified in Section 6. In those years when necessary, the Chairman shall submit the two nominees to the Attorney General by August 1st.

### *5.4 FBI's Advisory Policy Board (APB) Member Nominated by the APB*

In those years when necessary, the Chairman of the APB shall submit a nominee to the Attorney General by August 1st.

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## **6.0 VACANCIES**

If a member vacates his/her position on the Compact Council with less than six months remaining in his/her term, a new name shall be submitted to the Attorney General to appoint a new Compact Council member effective October 1 of that year, as if the member had completed his/her term. If a member vacates his/her position on the Compact Council with six or more months remaining in his/her term, the Attorney General shall be asked to appoint a new Compact Council member to fill the remainder of the term (i.e., a partial term), as described later in this Section of the Bylaws. All persons appointed due to vacancies shall have been duly nominated as specified in Section 3.0.

### *6.1 Vacancy with less than six Months Remaining in Term*

The end-of-term process as described in Section 5.0 of these Bylaws shall be followed.

### *6.2 Vacancy with six Months or more Remaining in Term*

#### *(A) Compact Officer of Nonparty State Member Recommended by Compact Officers of all Party States*

The Chairman shall forward the name of the individual who received the most votes as an alternate, as specified in Section 5.1, to the Attorney General for appointment to serve out the term. As additional vacancies occur, the Chairman shall submit the names of the individuals receiving the next highest votes to the Attorney General for appointment to serve out the term. If no available candidates remain on this list, the Chairman shall hold a special election to obtain this nomination(s) and possible alternates for future use.

#### *(B) At-Large Member or FBI Employee Nominated by the Director of the FBI*

The Director of the FBI shall submit a nominee to the Attorney General to serve out the term.

#### *(C) At-Large Member Nominated by the Chairman of the Compact Council*

The Chairman shall select one of the alternates previously identified, as specified in Section 5.3. The Chairman shall submit this nominee to the Attorney General for appointment to serve out the term. If no available candidates remain, the Chairman shall request recommendations for the nomination from all members of the Compact Council and the Compact officers of other Party States. Considering the recommended individuals, the Chairman shall select a nominee.

*(C) FBI'S Advisory Policy Board (APB) Member Nominated by the APB*

The Chairman of the APB shall submit a nominee to the Attorney General to serve out the term.

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## **7.0 OFFICERS**

The officers of the Compact Council shall be a Chairman and Vice Chairman.

### *7.1 Duties of Officers*

The Chairman shall:

- (A)* Prepare the agenda for Compact Council meetings and preside over these meetings;
- (B)* Designate another Compact Council member to preside over Compact Council meetings when both the Chairman and Vice Chairman are going to be absent;
- (C)* Coordinate with the FBI Compact officer on all administrative matters relating to the Compact Council, including notification to the appropriate nominating authority(ies) concerning any vacancies on the Compact Council that must be filled;
- (D)* Establish Committees of the Compact Council, appoint the Committee Chairmen, and prescribe their membership, responsibilities, and duration;
- (E)* Hold elections with state Compact officers to nominate candidates for appointment to the Compact Council;
- (F)* Nominate two persons to serve on the Compact Council as at-large members; and
- (G)* Represent the Compact Council at various governmental and other functions to further the goals of the Compact Council.

The Vice Chairman of the Compact Council shall serve as the Chairman of the Compact Council in the absence of the Chairman.

### *7.2 Qualifications of Chairman and Vice Chairman*

The Chairman and Vice Chairman of the Compact Council--

- (A)* shall be members of the Compact Council; and
- (B)* shall be Compact officers, unless there is no Compact officer on the Compact Council who is willing to serve, in which case the Chairman may be an at-large member; the Vice-Chairman may be any member of the Compact Council.

### *7.3 Term of Officers*

The Chairman and Vice Chairman of the Compact Council shall serve two-year terms. They may each be reelected to only one additional two-year term.

#### **7.4 Elections of Officers**

Elections of the Chairman and Vice Chairman shall be held at the first Compact Council meeting after September 30th in those years when elections are necessary. The Compact Council member who is an FBI employee shall conduct the election of the Chairman.

Each member of the Compact Council may nominate a qualified candidate for Chairman. The election of the Chairman shall be held by a secret ballot of the Compact Council members, and the candidate with a simple majority vote is elected. If no candidate receives a simple majority, there shall be a run-off election involving the two candidates who received the most votes.

The newly elected Chairman shall conduct the election for the Vice Chairman. Each member of the Compact Council may nominate a qualified candidate for Vice Chairman. The election of the Vice Chairman shall be held by a secret ballot of the Compact Council members, and the candidate with a simple majority vote is elected. If no candidate receives a simple majority, there shall be a run-off election involving the two candidates who received the most votes.

#### **7.5 Vacancies**

In the event of a vacancy in the office of Chairman, the Vice Chairman shall succeed the Chairman for the remainder of the term of office and shall hold a special election for a new Vice Chairman at the next Compact Council meeting. If both offices become vacant, the Compact Council member who is an FBI employee shall call for and hold a special election for the remainder of the terms of office. Nominations and voting shall be made in the same manner as stated in Section 7.4. Serving for a partial term will not be counted toward the two-term limit set in Section 7.3.

### **8.0 MEETINGS**

#### **8.1 Frequency and Location of Meetings**

The Compact Council shall meet at least once a year at the call of the Chairman. Before adjourning a Compact Council meeting, the Chairman shall solicit recommendations from the Compact Council regarding the date and location for the next Compact Council meeting. All meetings shall be held at a place reasonably accessible to the public.

#### **8.2 Presence of Officers**

The Chairman, Vice Chairman, or Chairman's designee must be present at Compact Council meetings.

#### **8.3 Notice of Meetings**

A notice of each meeting of the Compact Council shall be published in the Federal Register at least 30 days' prior to the meeting. The notice shall include the matters to be addressed at the meeting.

#### **8.4 Conduct of Meetings**

All meetings shall be conducted in compliance with Roberts Rules of Order (latest revision) except as otherwise provided in these Bylaws.

#### **8.5 Proxies**

A Compact Council member may designate a proxy for a Compact Council meeting by notifying the Chairman in writing prior to the meeting for which the proxy is given. The proxy shall be a knowledgeable person from the same agency as the Compact Council member who is being represented, or a Compact officer or the chief administrator of a criminal history record repository of another State which does not have a member on the Compact Council.

## **8.6 Attendance at Meetings**

Members of the Compact Council shall attend all Compact Council meetings or send a proxy if their attendance is not possible. If a Compact Council member or his/her proxy fails to attend two consecutive Compact Council meetings, then such Compact Council member shall relinquish membership on the Compact Council and the Chairman of the Compact Council shall begin the process of appointing a new member.

## **8.7 Open Sessions**

Meetings of the Compact Council shall be in open session. Meetings shall be open to the public on a first-come, first seated basis. Any member of the public may file a written statement concerning matters related to the concerns and activities of the Compact Council. Anyone wishing to address a session of a Compact Council meeting should notify the FBI's Compact officer at least 24 hours prior to the start of the session. The notification should contain the requestor's name and corporate designation, consumer affiliation, or government designation, along with a short statement describing the topic to be addressed, and the time needed for the presentation. The Chairman of the Compact Council shall have the discretion whether or not to recognize a requestor, who has provided the proper notification, as a speaker at a Compact Council meeting. Requestors shall ordinarily be allowed not more than 15 minutes to present a topic. Notifications and inquiries shall be addressed to: FBI Compact Officer, FBI, CJIS Division, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306-0145, telephone (304) 625-2000.

## **8.8 Quorum**

A simple majority of the Compact Council or any Committee of the Compact Council shall constitute a quorum of the Compact Council or of such Committee, respectively, for the conduct of business. No vote shall be taken without a quorum. A lesser number may meet to hold hearings, take testimony, or conduct any business not requiring a vote.

## **8.9 Voting**

Only members or their proxies in attendance at Compact Council meetings shall be eligible to make motions and vote. Except for amendments to the Bylaws, all votes shall be decided by a simple majority of those members of the Compact Council present.

## **8.10 Agenda**

The agenda for a Compact Council meeting shall be set and mailed or communicated electronically to each member at least thirty days in advance of the meeting. The Chairman shall be the final arbiter of all agenda items.

## **8.11 Minutes and Records of the Compact Council**

Minutes, records, transcripts, and other documents of the Compact Council shall be administered by the FBI. The Compact Council shall make available for public inspection and copying at the Compact Council office within the FBI, and shall publish in the Federal Register, any rules, procedures, or standards established by the Compact Council.

The FBI shall distribute draft minutes to the Compact Council members within sixty days after a Compact Council meeting. The draft minutes shall be considered for approval at the next Compact Council meeting. The final approved minutes of meetings shall be available to the public upon request. Minutes of Compact Council meetings shall be kept and maintained at the: Compact Council Office, FBI, CJIS Division, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306-0145.

## **8.12 Adjournment of Meetings**

A meeting may be adjourned by the Chairman at any time with a majority vote of the Compact Council.

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## **9.0 Promulgation of Rules, Procedures and Standards**

The Compact Council shall promulgate rules, procedures and standards upon a majority vote of its members at a scheduled public meeting except in cases in which the Compact Council determines that exigent circumstances require immediate action. In the latter cases, the Compact Council may approve a rule, procedure or standard by telephone conference call or by other available means of communication, provided that such a rule, procedure or standard shall expire unless adopted by the Compact Council at a scheduled public meeting within 90 days after the emergency action.

### **9.1 *Coordination with Affected Persons, Agencies and Organizations.***

If the Compact Council has reason to believe that a particular rule, procedure or standard will have a major impact on a significant number of persons, agencies or organizations and that the views and concerns of such persons, agencies, or organizations have not adequately been made known to the Compact Council, it may publish a proposed rule, procedure or standard in the Federal Register with a notice that written comments may be submitted to the Compact Council Office in the FBI during a period of at least thirty days. At its next meeting, the Council may, after due consideration of any comments received, approve the rule, procedure or standard in final form.

### **9.2 *Effective Date***

Final rules, procedures or standards shall become effective 30 days after publication in the Federal Register unless the Council declares that a particular rule, procedure or standard shall become effective immediately upon publication due to exigent circumstances.

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## **10.0 COMPENSATION**

Members of the Compact Council (other than a member from the FBI or any at-large member who may be a Federal official or employee) shall not, by virtue of such membership, be deemed--

- (A) to be, for any purpose other than to effect the Compact, officers or employees of the United States (as defined in sections 2104 and 2105 of title 5, United States Code); or
- (B) to become entitled by reason of Compact Council membership to any compensation or benefit payable or made available by the Federal Government to its officers or employees.

The FBI shall reimburse members or proxies of the Compact Council and members of Compact Council committees for approved travel and subsistence expenses for attendance at meetings from available funds appropriated to the FBI.

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## **11.0 ASSISTANCE FROM THE FBI**

The Compact Council may request from the FBI such reports, studies, statistics, or other information or materials as the Compact Council determines to be necessary to enable the Compact Council to perform its duties under this Compact. The FBI, to the extent authorized by law, may provide such assistance or information upon such a request. The FBI shall provide administrative support for the Compact Council, attend meetings, and provide assistance to the Compact Council during meetings as requested by the Chairman.

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## **12.0 COMMITTEES**

The Chairman shall establish Committees as necessary to carry out the National Crime Prevention and Privacy Compact and may prescribe their membership, responsibilities, and duration. Committees may be composed of both Compact Council members and individuals who are subject matter specialists but are not Compact Council members.

Due to the unique working knowledge of Compact Council members who shall be appointed to serve on Compact Council Committees, the members are expected to attend Committee meetings whenever possible. If it becomes necessary to send a proxy, the committee member should ensure that the proxy has the appropriate subject matter expertise.

An FBI representative shall attend all Committee meetings, provide administrative support, and provide for expenses as appropriated funds are available.

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## **13.0 DISCRIMINATION PROHIBITED**

With regard to all Compact Council and Compact Council Committee matters, there shall be no discrimination on the basis of race, color, national origin, religion, age, sex, or disability.

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## **14.0 AMENDMENTS TO BYLAWS**

Proposed amendments to these Bylaws shall be sponsored by a member of the Compact Council and shall be mailed or communicated electronically to the members of the Compact Council at least thirty days before the meeting at which the amendment will be considered. These Bylaws may be amended by adoption of a motion. The motion shall contain the exact wording of the change and contain an effective date. At least a two-thirds majority of the voting Compact Council members present is required for the motion to pass.

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